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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PRICE, NATHAN E

ART UNIT

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2194

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,537	Applicant(s) CHUNG ET AL.	
	Examiner NATHAN PRICE	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 13 are pending.
2. This Office Action is in response to communications received 02 October 2008. Previous objections and rejections not included in this Office Action have been withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 October 2008 has been entered.

Response to Arguments

4. Applicant's arguments, see REMARKS and claim amendments, filed 02 October 2008, with respect to rejections under 35 USC 101 have been fully considered and are persuasive. The rejections of claims 1 – 10 under 35 USC 101 have been withdrawn. Regarding Applicant's statements about the intended meaning of computer-readable

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storage medium, the claims are being examined with respect to current law and are therefore interpreted as not covering carrier waves.

5. Applicant's arguments, see REMARKS, filed 02 October 2008, with respect to the rejection(s) of claim(s) 1 – 10 under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different combination of prior art. See new grounds of rejection below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 – 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. As amended, claim 1 specifies that the markup document does not include AV data. It is not clear where this limitation is supported in the specification. The

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specification does provide examples of data that are considered to be markup documents ([0073] of originally filed specification). These examples disclose that the markup documents can include AV data, but it is not seen where the specification supports a limitation preventing the markup documents from including AV data. Claims 2 – 13 inherit the deficiencies of claim 1.

8. New claim 13 recites a limitation that excludes embodiments where the user selects the interactive mode by accessing the markup document. Although the original disclosure includes selecting the interactive mode, it is not clear where the original disclosure supports the recited limitation that excludes the specified manner of selecting the interactive mode.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 3 and 5 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870 B1; "Kanazawa") in view of Jones et al. (US 2003/0220984 A1; "Jones").

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10. As to claim 1, Kanazawa teaches a computer-readable storage medium usable with an apparatus comprising a buffer (abstract; col. 14 lines 40 – 54), the computer-readable storage medium having recorded thereon:

audio video (AV) data (abstract);

a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV data in an interactive mode selected by a user of the apparatus, wherein the markup document does not comprise the AV data or any other AV data (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22); and

the apparatus to identify buffering state information of the markup document to be preloaded into the buffer of the apparatus, the buffering state information being used by the apparatus in reproducing the AV data in the interactive mode selected by the user (col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23).

11. Although Kanazawa teaches the ability to identify the buffering state, it does not specifically teach that the identification is enabled by control information as claimed. However, Jones teaches the identification is enabled by control information providing functionality (¶¶66, 68). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Kanazawa teaches identifying the buffering state and Jones teaches a way to enable identification of the buffering state that can be used when implementing the disclosure of Kanazawa.

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12. As to claim 2, Jones teaches the control information comprises an application program interface (API) that generates a report signal used to identify a buffering state of the markup document (¶66, 68).

13. As to claim 3, Kanazawa in view of Jones (see rejections of claims 1 and 2) teaches the control information comprises an [obj].isCached(URL, resType) API that generates a report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document (Kanazawa: col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23) (Jones: ¶66, 68).

14. As to claim 5, Kanazawa in view of Jones teaches the control information comprises an API that generates a fetch signal used to issue a command to preload the markup document (Kanazawa: col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23).

15. As to claim 6, Kanazawa in view of Jones teaches the API returns a response indicating whether the command to preload the markup document has been successfully transmitted using the fetch signal (Kanazawa: col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23).

16. As to claim 7, Jones teaches the control information comprises an API that is used to determine whether preloading of the markup document is completed (¶66, 68).

17. As to claim 8, Kanazawa teaches the AV data is selected by the user to be viewed by the user while the AV data is reproduced in the interactive mode selected by the user (col. 6 lines 36 – 42; col. 15 lines 34 – 56).

18. As to claim 9, Kanazawa teaches the interactive mode selected by the user is an interactive mode in which the user views the AV data (col. 15 lines 34 – 56; col. 16 lines 40 – 41).

19. As to claim 10, Kanazawa teaches:

the interactive mode is a mode in which the AV data is displayed in a display window defined by the markup document (col. 15 lines 32 – 45);

the apparatus is selectively operable in the interactive mode in which the AV data is displayed in the display window defined by the markup document, and a non interactive video mode in which the AV data is displayed in the same manner as AV data recorded on a standard DVD (col. 6 lines 36 – 42; col. 15 lines 34 – 56); and

the user of the apparatus selects between the interactive mode and the non interactive video mode (col. 15 lines 34 – 45).

20. As to claim 11, Kanazawa teaches a startup markup document separate from the markup document to be preloaded into the buffer of the apparatus and comprising

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preloading instructions enabling the apparatus to preload the markup document into the buffer of the apparatus (col. 11 lines 5 – 11; col. 12 lines 43 – 48; col. 17 lines 31 – 38);

wherein the selection of the interactive mode by the user causes the apparatus to read the startup markup document from the computer-readable storage medium and execute the preloading instructions to preload the markup document into the buffer of the apparatus (col. 11 lines 5 – 11; col. 12 lines 43 – 48; col. 15 lines 34 – 56; col. 17 lines 31 – 38).

21. As to claim 12, Kanazawa in view of Jones teaches a preload list file listing the markup document to be preloaded into the buffer of the apparatus (Jones: ¶66, 68);

wherein the preloading instructions comprise:

at least one instruction enabling the apparatus to read the preload list file from the computer-readable storage medium (Jones: ¶66, 68);

at least one instruction enabling the apparatus to read the markup document to be preloaded into the buffer of the apparatus from the computer readable storage medium based on the listing of the markup document in the preload list file (Jones: ¶66, 68); and

at least one instruction enabling the apparatus to preload the markup document into the buffer of the apparatus (Jones: ¶66, 68).

22. As to claim 13, Kanazawa teaches the user does not select the interactive mode by accessing the markup document (col. 15 lines 32 – 45).

23. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa in view of Jones as applied to claim 1 above, and further in view of Bernstein et al. (US 2004/0254913 A1; "Bernstein").

24. As to claim 4, Kanazawa fails to specifically teach indicating the recited states of preloading as claimed. However, Bernstein teaches the control information includes comprises an API that returns a value of 0 in response to preloading of the markup document being successful, a value of 1 in response to the preloading of the markup document being failed, and a value of 2 in response to the preloading of the markup document still being conducted (abstract; ¶107). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both Kanazawa and Jones teach controlling preloading of resources and determining the state of the preloading while Bernstein teaches additional details about the types of states that can be relevant to preloading systems that are usable when implementing the disclosures of Kanazawa and Jones.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 8:00am - 4:30pm, Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

/Li B. Zhen/
Primary Examiner, Art Unit 2194